

PATENT

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mark Robert Funk et al.

Application: **METHOD, APPARATUS AND COMPUTER PROGRAM PRODUCT FOR IMPLEMENTING BREAKPOINT BASED PERFORMANCE MEASUREMENT**

Serial No.: 10/616,525

Filing Date: July 10, 2003

Art Unit: 2192

Examiner: J. Derek Rutten

Case: ROC920020205US1

535 North Michigan Avenue
Unit 1804
Chicago, Illinois 60611

Mail Stop AF
Honorable Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL

Sir:

Applicant, through his undersigned attorney of record, appeals pursuant to 35 U.S.C. 134 and 37 C.F.R. 1.191 from the final rejection of all the claims 1-2, 4-11, 13 and 14 under 35 USC §103(a) mailed December 28, 2007. The Commissioner of Patents and Trademarks is hereby authorized to charge the notice of appeal fee of \$510.00 and any additional fees or credit any over-payment in connection with the filing of the above-referred Response to Deposit Account No. 09-0465 of International Business Machines Corporation.

Respectfully submitted,

S-signature by

By: Joan Pennington/
Reg. No. 30,885
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March 28, 2008